

1 Bernard Curran  
2 27 Escondido Ave.  
3 San Francisco, California, 94132  
4 (415) 516-4522  
5 berndawgcurran@hotmail.com

6 Defendant, IN PRO PER

**FILED**

**OCT -2 2025**

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**

9  
10 PATRICK GALLAGER

11 Plaintiff,

12 vs.

13 CITY AND COUNTY OF SAN FRANCISCO,  
14 BERNARD CURRAN, RODRIGO SANTOS,  
15 WILLIAM HUGEN, KEVIN BIRMINGHAM,  
16 NATALIA KWAITKOWSKA, and JOE DUFFY.

17 Defendants.  
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) Case No.: 23-CV-03579-SI

) **DECLARATION OF BERNARD CURRAN**  
) **IN SUPPORT OF MOTION TO VACATE**  
) **ENTRY OF DEFAULT PURSUANT TO**  
) **FED. R. CIV. P. 55(c); EXHIBITS**

) **DATE: October 3, 2025**

) **TIME: 10:00AM**

) **JUDGE: Hon. Susan Illston**

) **DEPT: Courtroom 1 – 17<sup>th</sup> Floor, 450**

) **Golden Gate Ave., San Francisco, CA 94102**  
)  
)  
)

27 **DECLARATION OF DEFENDANT BERNARD CURRAN**

28 - 1 -

DECLARATION IN SUPPORT OF MOTION TO VACATE ENTRY OF DEFAULT PURSUANT TO FED. R. CIV.  
P. 55(c)

1 I, Bernard Curran, declare as follows:

2 1. I am the Defendant in the above-entitled case.

3 2. I have personal knowledge of the facts contained in this declaration, and if called as a witness,  
4 I could and would testify competently to the facts as stated herein.

5 3. I became aware of this lawsuit on February 24, 2025, after being served Plaintiff's complaint.

6 4. I responded to the lawsuit by taking the following actions: I read the documents that had been  
7 served, and not seeing a date to appear in court, I set the documents aside. I incorrectly believed  
8 another party to this lawsuit, the City and County of San Francisco, was working on settling the  
9 lawsuit with Plaintiff. With that belief in mind, and the fact that I was undergoing cancer treatment at  
10 the time I received the Complaint, I focused my energy on my recovery. As a result, I was unable to  
11 devote further attention to the lawsuit and failed to respond to the Complaint within the required time  
12 period. It was not until late August of 2025, when I was served Plaintiff's Motion for Default  
13 Judgment, when I realized my error. I took prompt action to seek legal advice and respond to  
14 Plaintiff's Motion.

15 5. My delay in filing a response to the lawsuit was not intentional. I did not file a timely formal  
16 response to the lawsuits for the following reasons: I was diagnosed with Stage 3 metastatic Melanoma  
17 in Situ and was undergoing IV pembrolizumab immunotherapy treatment which affected my  
18 cognitive capabilities and physical ability to respond to the lawsuit.

19 6. The following facts support my defenses to this lawsuit: I was diagnosed with Melanoma in  
20 Situ, on my left leg, on August 15, 2024. I began immunotherapy for my skin cancer diagnosis in  
21 October of 2024. As a side effect of the treatment I suffered from severe brain fog, lapses in memory,  
22 and an overall decline in my cognitive function. I suffered further physical complications from the  
23 treatment when I was admitted to Kaiser Hospital for seven days and diagnosed with diabetes.

24 7. I have no reason to believe Plaintiff will suffer prejudice if the Court grants this motion.

25 8. Attached hereto as **Exhibit A** is a true and correct copy of a letter from my general  
26 practitioner, Dr. Sal Fazio, explaining my medical condition.

1 9. Attached hereto as **Exhibit B** is a true and correct copy of a letter from my oncologist, Dr.  
2 Alfredo Lopez, explaining my medical condition.

3

4 I declare under penalty of perjury that the foregoing is true and correct.

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6 DATED: September 29, 2025

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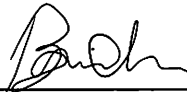
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Bernard Curran  
In Pro Per

# EXHIBIT A



Date printed: 9/29/2025

Kaiser Permanente Member name:

Bernie J Curran

Date of birth: 10/14/1960

MRN: 

**The  
Permanente  
Medical  
Group, Inc.**

**ADULT AND FAMILY  
MEDICINE**

**3900 LAKEVILLE  
HWY**

**PETALUMA CA**

**94954-5698**

**Dept: 707-765-3960**

**Main: 707-765-3900**

September 22, 2025

Re: Bernard J Curran  
27 Escondido Avenue  
San Francisco CA

94132

To Whom it May  
Concern,

I am the primary care physician for Mr. Bernie Curran. Mr. Curran notified me that he missed a court date in the month of February 2025 and attributes it to his multiple medical problems that he was dealing with at that time. Mr. Curran had previously received treatment for a serious chronic medical condition which was causing him side effects of extreme fatigue, and some associated cognitive symptoms which resulted in some memory problems at the time. Please take this into consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "D. J. Curran" or similar, written in a cursive style.

SAL FAZIO MD

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2025, patents pending.

# EXHIBIT B





Date printed: 9/29/2025

Kaiser Permanente Member name:  
Bernie J Curran

Date of birth: 10/14/1960

MRN: 

**The  
Permanente  
Medical  
Group, Inc.**  
HEMATOLOGY/ONC  
OLOGY DEPT  
2238 GEARY BLVD  
SAN FRANCISCO CA  
94115-3416  
Dept: 415-833-3692  
Main: 415-833-2000

September 29, 2025

Bernard J Curran  
27 Escondido  
Avenue  
San Francisco CA  
94132

To Whom It May  
Concern:

Mr. Curran is a  
patient at the San  
Francisco Kaiser  
Medical Center.  
Mr Curran had been  
undergoing therapy  
for a cancer  
condition from  
October 2024  
through April 2025.

During this period  
patient experienced a  
number of side  
effects and  
complications  
Including  
hospitalizations for  
side effects of the  
therapy  
For this reason the  
patient missed his  
February court date  
The member is now  
doing much better  
off therapy.  
I wish to explain to  
the court the reason  
for Mr. Curran's  
missed court date

Please feel free to

contact my office if  
you are in need of  
further information

Sincerely,

ALFREDO R  
LOPEZ MD

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2025, patents pending.